



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

NOV 02 2010

Ref: 8EPR-SR

Julie Rosen, Esq.
Kaplan Kirsch & Rockwell LLP
1675 Broadway, Suite 2300
Denver CO 80202

RE: Freedom of Information Act (FOIA) Request
08-FOI-00333-10, Richardson Flat & Empire
Canyon Records

Dear Ms. Rosen:

This is in response to your Freedom of Information Act request of August 17, 2010, concerning specific documents related to the Richardson Flat Tailings and Empire Canyon sites. Some documents responsive to your request have previously been provided to you. Enclosed with this letter are the following additional documents you requested: 1137590, 1152971, 1152972, 1152973, 1153527, 1153528, 1153530, 1153531, and 1152599.

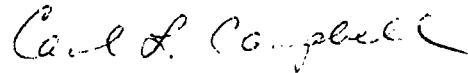
We are unable to provide you with other documents because they are exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b) (4) (5) (6) and (7). An itemized list of the records which are being withheld, along with the basis for withholding, is provided on the enclosure to this letter. As indicated on the list, some of these records are being provided to you with some material redacted for the reasons stated.

You may appeal this partial denial to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, Email: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOI listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

The cost of providing this information is \$224.00 for search and review and \$4.50 for the disks. An itemized invoice covering the charges for processing your request will be forwarded under separate cover.

Please disregard the letter dated October 21, 2010, which was inadvertently sent and did not include the referenced documents. Otherwise, please contact Michael Boydston, Associate Regional Counsel, at 303-312-7103, should you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script, reading "Carol L. Campbell".

Carol L. Campbell
Assistant Regional Administrator
Office of Ecosystems Protection
and Remediation

Enclosures



FOIA appeal CC 11/10 ltr
Mia Bearley to: Bearley.mia

11/29/2010 07:40 AM

Rctr 11/29/10

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